

**MINUTES OF A WORKSHOP/MEETING OF THE GOVERNING BOARD  
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
HELD AT DISTRICT HEADQUARTERS, 3301 GUN CLUB ROAD  
WEST PALM BEACH, FL  
WEDNESDAY, JANUARY 12, 2000  
9:00 A.M.**

The following **Board Members** were present

Michael Collins  
Vera Carter  
Michael Minton  
Mitchell Berger  
Nicolas Gutierrez  
Gerardo Fernandez  
Trudi Williams  
Patrick Gleason  
Harkley Thornton

**CALL TO ORDER**

**1. Board questions for staff about any items on Thursday's Regular Meeting Agenda or Regulatory Consent Agenda.**

Mr. Gleason questioned items 37, 48, 53, and item 22.

Ms. Williams questioned items 53, 42, 11, 31, 28, 43, 48, 27, and 36.

Mr. Minton questioned item 33.

Mr. Thornton questioned items 25, 28, 52, and 53.

**2. Everglades Restoration Diversity Plan**

Ms. Carolyn Williams, Director, SDO, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. Jock Merriam, Deputy Executive Director, Corporate Resources, presented information on the District's vision for this effort. A copy of the material used in his presentation is included in the official record of this meeting.

**Mr. Minton, Ms. Williams and Mr. Fernandez questioned the mentoring feature of the plan. Mr. Merriam said those details can be worked out with the Board.**

Mr. Minton expressed concern about the method for measuring how well the goals and objectives are met.

Mr. James Blount, Chief of Staff, said he has discussed this topic with Governor Bush personally, and feels the District should proceed with re-engineering and re-inventing how we do business. He said the Governor made it clear that he will look to this District to be a leader in this initiative.

Mr. Gleason asked that staff make sure to communicate and get feedback from businesses we are trying to help and show them what we're trying to do to help.

### **3. Overview of the District's Enforcement and Compliance Program**

Mr. Robert M. Brown, Director, Environmental Resource Compliance Division, presented an overview of this program. A copy of the material used in his presentation is included in the official record of this meeting.

Ms. Carter said the Board should adopt a policy that the District will work with local governments to ensure that counties refrain from giving change orders until the District has signed off on the project in question.

Motion by Ms. Carter to direct staff to adopt a policy to address compliance issues by requesting that change orders not be issued by local governments until the District has signed off on the as-built design.

Mr. John Fumero, General Counsel, suggested that the motion be rephrased to direct that staff will work with local governments in the development of ordinances that District permitting requirements will be met before issuance of any change orders to the project. Ms. Carter agreed.

**Amended motion by Ms. Carter to direct staff to work with local governments in the development of ordinances that District permitting**

**requirements will be met before issuance of any change orders to the project.**

Motion approved.

Mr. Rudy Smith, Sr. Regulatory Supervisor, Environmental Resource Compliance Division, presented information on permit violations and enforcement. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Gleason said District enforcement actions could be reduced by educating developers on water regulations. He said the District's Service Centers should be heavily involved in the education effort, and asked that this issue be revisited in one year to determine how much progress has been made.

#### **4. Briefing on everglades Stormwater Program**

Ms. Sharon Trost, Director, Everglades Stormwater Program, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. Gleason said a plan is needed to address water going into the Everglades from the Acme Improvement District. He said some of the worst pollution is going into some of the best part of Everglades, and cited the need to get a commitment from the Acme Improvement District to address this problem.

Ms. Rosa Durando, Audubon Society of the Everglades, expressed concern about development in Basin B. She said farmers in the basin should pay an agriculture privilege tax to address water quality problems in the area.

Mr. Gleason cited the need to raise the awareness of this problem.

Mr. Minton suggested that a discussion on the sludge issue be scheduled for a future workshop. Chairman Collins said the U.S. Environmental Protection Agency is planning to do a workshop at District Headquarters during the first week in February. Mr. Minton suggested that local government officials be encouraged to participate in the workshop discussion. Mr. Fernandez agreed.

#### **5. Water Supply Issues**

Mr. Ken Ammon, Director, Water Supply Department, Water Resources Management, presented an overview of water supply issues. A copy of the material used in his presentation is included in the official record of this meeting.

Ms. Cecile Ross, Sr. Attorney, Regulatory and Planning Section, Office of Counsel, presented information on the water supply requirements of Chapter 373 F.S. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. Ammon presented information on the Regional Water Supply Plan Development process. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Scott Burns, Director, Water Use Regulation Division, presented information on rulemaking issues. A copy of the material used in his presentation is included in the official record of this meeting.

Chairman Collins asked that each Board Member be provided with a copy of a “white paper” on the District’s various rules associated with water supply plans. He suggested that staff schedule a workshop presentation on this issue in March.

## **Public Comment**

Mr. James Harvey, representing the Village of Wellington, said Village officials have retained a team of attorneys and engineers to redesign the existing local water management system in order to address drainage problems. He said the Acme Improvement District is now a dependent district under the direction of the Village Manager.

Mr. Gleason, asked that staff focus efforts on addressing concerns about the Village’s water quality improvement plan, including how the plan will be funded. He asked that staff assist in moving ahead with the plan.

Ms. Barbara Miedema, representing the Agriculture Advisory Committee, said the Committee has endorsed the position that the state should consider using existing funds for it’s share of the Restudy before choosing user fees or other methods of funding.

Chairman Collins suggested that the Board consider item 9 at this time. Board Members agreed.

## **9. C&SF Restudy Update**

Mr. Tom Teets, Supervising Planner, Water Resource Program Accountability Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Minton asked for information on the status of Run WSE.

## **BOARD COMMENT**

Collins updated the Board on a recent meeting of the Everglades Coalition.

Mr. Finch noted that Senator Robert Smith of New Hampshire, Chairman, Environmental and Public Works Committee, gave an encouraging statement recently about his position on Everglades restoration. Mr. Finch said Senator Smith clarified his position that Everglades restoration will be an important issue on his agenda.

Ms. Carter expressed concern about the use of reclaimed water by local governments. She said she intends to discuss her concerns with the appropriate officials. Chairman Collins said the Board shares her concern.

Mr. Fernandez said the supplementary Environmental Impact Statement on Homestead Air Force Base has been released and full public comment is expected. He asked that staff review the EIS and report to the Board on its impact. Chairman Collins asked that staff individually brief Board Members and report back in February.

#### 8. Status of Flood Mitigation Efforts

Ms. Patricia Strayer presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Ms. Joanne Chamberlain, Staff Civil Engineer, Watershed Research and Planning Department, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Chairman Collins suggested that the Audit committee be called to order at this time, and that the Board reconvene the workshop following the Audit Committee and Human Resources Committee meetings. Board Members agreed.

Following the Audit and Human Resource Committee meetings, the Board returned to consideration of the January 2000 workshop.

#### 10. Closed Door Session

**Chairman Collins called to order and called roll. The following Board Members were recorded present:**

Chairman Collins  
Mr. Gleason;  
Ms. Williams;  
Mr. Gutierrez;  
Ms. Carter;  
Mr. Minton;  
Mr. Thornton;

Mr. Fernandez.

Mr. John Fumero, General Counsel requested advice and direction from the Board regarding this litigation.

Mr. Finch said he, Mr. Fumero and Ms. Ruth Clements, Senior Supervising Counsel, will also attend the session.

Board Members adjourned to the closed door session. A transcript of the session will be made available at the end of this litigation.

Chairman Collins reopened the workshop at the end of the closed door session. He said item 11 is deferred.

### **General Public Comment**

Ms. Bionde Carroll, representing the Miccosukee Tribe of Indians of Florida, commented on the pending litigation regarding the Modified Waters Delivery project. She encouraged the Board to defend itself vigorously.

### **11.Consider action on Closed Door Session**

This item was deferred.

### **ADJOURNMENT**

There being no further business to come before the Board, the workshop was adjourned at 5:20 p.m.

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MICHAEL COLLINS, CHAIRMAN

(Corporate Seal)

Attest:

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FRANK FINCH, SECRETARY

/aab

**MINUTES OF A MEETING OF THE GOVERNING BOARD  
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
HELD AT OFFICES OF THE DISTRICT,  
3301 GUN CLUB ROAD, WEST PALM BEACH FLORIDA  
THURSDAY, JANUARY 13, 2000  
8:30 A.M.**

The following **Board Members** were present

Michael Collins, Chairman  
Michael Minton  
Vera Carter  
Nicolas Gutierrez  
Patrick Gleason  
Trudi Williams  
Harkley Thornton  
Gerardo Fernandez

Frank R. Finch, Executive Director

**CALL TO ORDER**

Chairman Collins called the meeting to order at 8:30 a.m., followed by the inspiration and the pledge of allegiance to the Flag of the United States of America

**Presentations:**

Mr. Fernandez, Chairman of the Human Resources Committee, presented the District's 30 Years Service Award to Mr. Joseph Moore, Chief Financial Officer, Finance and Administration, and recognized Mr. Moore's lengthy service to the District.

Mr. Fernandez also recognized the December employee/teams of the month:

Employee of the Month - Dr. Karl Havens, Chief Environmental Scientist

Engine Specialists Team - Mr. Butch Dias, Senior Regional Supervisor, Mr. Peter Boyd, Millwright, Mr. David Dunnam, Mr. Jose Diaz, Mr. Luis Biachi, Ms. Lesera Harris, and Mr. Gary Harper, Diesel Engine Specialists.



Loxahatchee Mitigation Bank Project Team - Ms. Marjorie Moore, Lead Environmental Scientist, Mr. Mark Hummel, Staff Registered Land Supervisor, Ms. Marcy Wilson, Title Examiner Supervisor, Mr. Stanley Pry, Senior Title Examiner, Mr. Barry Present, Senior Professional - Acquisition, Ms. Holly Young, Associate Attorney, Ms. Mary Meier, Contracts Manager.

### **Approval of Minutes**

#### **Motion by Minton to approve the minutes of the December 8, 1999 Governing Board Workshop and the December 9, 1999 Regular Meeting.**

Mr. Gutierrez corrected the December 8, 1999 Workshop Minutes to read "Mr. Gutierrez said he is not concerned that a precedent would be set by the Board."

#### **Motion approved as amended.**

## **II. GOVERNING BOARD BUSINESS CONSENT AGENDA REVIEW**

### **Changes to agenda**

Chairman Collins pulled item 53.

Mr. Glenn Miller, Office of Counsel, said the Petition for item 52 has been withdrawn. Chairman Collins deleted item 52 from the agenda.

### **Items Pulled**

Mr. Gleason pulled item 37.

Ms. Carter pulled item 48.

Ms. Williams pulled items 42 and 11.

### **Abstentions**

Mr. Gleason abstained on item 22.

Ms. Williams abstained on item 22.

Mr. Minton abstained on items C50, 51, C32, and item 22.

## **III. GOVERNING BOARD MEETING SCHEDULE**

**1. Consider Schedule of Upcoming Meetings**

Mr. Finch presented the schedule. A copy of the schedule is included in the official record of this meeting.

Mr. Finch said a staff retreat will be scheduled for February 15, 2000.

Chairman Collins asked that staff present information on Lake Okeechobee issues at the February workshop. Mr. Minton asked that the Board also discuss the sludge issue at that workshop. Chairman Collijns suggested the workshop be held in Okeechobee County, and that the Lake Okeechobee issues be discussed in the afternoon.

**2. Consider Tentative Agenda for February Workshop.**

Mr. Darryl Bell, Governing Board Operations/Support, presented the tentative agenda. A copy of the material used in his presentation is included in the official record of this meeting.

**3. Accept the Human Resources Committee Report and Recommended Actions.**

Mr. Fernandez presented the report. A copy of the Human Resources Committee report is included in the official record of this meeting.

**Motion by Mr. Fernandez to approve the report and recommended actions.  
Motion approved.**

**4. Accept the Audit Committee Report and Recommended Actions.**

Mr. Minton, Vice Chairman, Audit Committee, presented the report. A copy of the report is included in the official record of this meeting.

**Motion by Mr. Minton to approve the report and recommended actions.  
Motion approved.**

**PUBLIC HEARING at 9:00 A.M.**

**IV. \*OPEN THE PUBLIC HEARING\***

Chairman Collins opened the Public Hearing.

## **WATER RESOURCES MANAGEMENT**

### **Real Estate, Engineering & Construction**

5. **Approve the purchase of land interests containing 35 acres, more or less, in Lee County, CREW Project.**

Mr. Blair R. LittleJohn, Director, Real Estate, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gutierrez to approve the purchase of land interests containing 35 acres, more or less, in Lee County, CREW Project, approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and authorize a Resolution to the Board of Trustees of the Internal Improvement Trust Fund requesting reimbursement for this acquisition and associated costs. Motion approved.**

6. **Authorize declaring surplus, disposal of, and removal from the asset records, including salvage, any structures, improvements and nursery stock located on Tract Nos. 201-109 and 201-110, Broward County, East Coast Buffer Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Carter to authorize declaring surplus, disposal of, and removal from the asset records, including salvage, any structures, improvements and nursery stock located on Tract Nos. 201-109 and 201-110, Broward County, East Coast Buffer Project, deemed unnecessary for the stated purpose of the original land acquisition. Motion approved.**

7. **Approve the purchase of land interests containing 1.44 acres, more or less, in Miami-Dade County, East Coast Buffer Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to approve the purchase of land interests containing 1.44 acres, more or less, in Miami-Dade County, East Coast Buffer Project and authorize a Resolution to the Trustees of the Internal Improvement Trust fund and/or the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.**

- 8. Approve the purchase of land interests containing 62.68 acres, more or less, in Miami-Dade County, Model Lands and Southern Glades Projects.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to approve the purchase of land interests containing 62.68 acres, more or less, in Miami-Dade County, Model Lands and Southern Glades Projects and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.**

### **Close Public Hearing**

Chairman Collins closed the public hearing.

## **V. MORNING DISCUSSION AGENDA**

### **BUSINESS DISCUSSION AGENDA ITEMS**

#### **REPORT FROM THE ADVISORY COMMITTEES**

Chairman Collins said no report is available at this time.

#### **9. Ombudsman's Report**

Mr. Richard Williams, District Ombudsman, presented the report. A copy of the report is included in the official record of this meeting.

Mr. Minton asked that the Ombudsman present a report on items finalized for Board review.

- 10. Adopt a position denying applications for releases of Reservations within the boundaries of the East Coast Buffer/Water Preserve Areas as these Reservations may have a future use to the District as part of the Restudy.**

Mr. James Troutman, Director, Department of Real Estate, Engineering and Construction, presented information on this item. He said staff recommends approval.

Ms. Carter expressed concern about the broad application of this position. She said applications should be routinely denied, unless a determination has been made that the reservation has no use to the District.

**Motion by Ms. Carter to deny applications for release of Reservations unless the District determines, on a case by case basis, that the Reservation has no present or apparent future use to the District.**

Ms. Erin Deady, National Audubon Society, urged the Board to move forward on these acquisitions.

Mr. Wilson Atkinson, representing an applicant for release of Reservations, requested that the Board approve his client's application, regardless of the action taken today on this item.

Ms. Susan Haydon Daniels, representing the Environmental Land Use Law Center, asked that the Board support approval of this item as recommended by staff.

Mr. Gutierrez asked that Ms. Carter amend the motion to approve applications for Release of Reservations on a case by case, when there is no present or apparent future use to the District.

Ms. Carter declined to amend the motion.

**Motion fails due to lack of a majority.**

**11. Authorize entering into a 240-day contract with IT Corporation for L10/L12 Maintenance Dredging, Reach 2 in the amount of \$561,764 for which funds are budgeted. (Contract Number C-10411)**

Mr. Jon Leslie, Project Manager, Engineering and Project Management Division, presented information on this item. A copy of the material use in his presentation is included in the official record of this meeting.

**Motion by Mr. Minton to authorize entering into a 240-day contract with IT Corporation for L10/L12 Maintenance Dredging, Reach 2 in the amount of \$561,764 for which funds are budgeted. (Contract Number C-10411). Motion approved.**

**12. Update on Miami-Dade County Lake Belt Plan**

Mr. Jim Jackson, Lead Planner, Water Supply Planning & Development Division, Water Supply Department, Water Resources Management, presented the report. A copy of the material used in his presentation is included in the official record of this meeting.

**13. Update on Lower East Coast Regional Water Supply Plan**

Mr. John Mulliken, Sr. Supervising Planner, Water Supply Planning & Development Division, Water Supply Department, Water Resources Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**14. Water Management Highlights**

Mr. Finch presented the report. A copy of the report is included in the official record of this meeting. Mr. Finch noted that the Workshop in Okeechobee will be held at the KOA campground.

Mr. Finch covered open items with the USACE. He said he has asked for status reports on WSE and the Alligator Chain of Lakes drawdown.

Mr. Finch presented an update on the District's Memorandum Of Agreement (MOA) with Palm Beach County regarding Unit 11. He said the County Commission has voted to approve the MOA.

Mr. Finch announced that he will go before the Florida Senate to be confirmed on January 18.

**15. Water Conditions Report**

Mr. Tommy Strowd presented the report. A copy of the report is included in the official record of this meeting.

Mr. Minton asked if the District would be making discharges at this time under Run WSE. Mr. Strowd said the District would not be discharging water from Lake Okeechobee to the estuaries at this time if it was following Run WSE.

**16. Office of Counsel Update**

Mr. John Fumero, General Counsel, presented the report. He noted that five new lawsuits have been brought against the District.

Mr. Fumero presented information on Office of Counsel workshops on Florida's Sunshine Law. He said two workshops have been scheduled.

Chairman Collins noted that the Board initially voted a split vote on retaining General Counsel. He said issues have been resolved and asked that Mr. Gleason make a motion of unanimous vote for affirmation of Mr. Fumero as General Counsel.

**Motion by Mr. Gleason to unanimously approve Mr. John Fumero as General Counsel. Motion approved.**

**17. Legislative Update**

Mr. Michael Slayton, Director, Government Affairs and Communication, presented the report. A copy of the update is included in the official record of this meeting.

**18. Governing Board Executive Contract Summary**

Mr. Jock Merriam presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**19. Everglades Construction Project Update**

Mr. Joseph Schweigart, Director, Everglades Construction Project, presented the update. A copy of the material used in his presentation is included in the official record of this meeting.

**20. Interim Structural Operating Permit (ISOP) Update: Cape Sable Sparrow**

Mr. Dewey Worth, Lead Environmental Scientist, Watershed Research and Planning, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Chairman Collins asked that staff send a letter to USACE officials pointing out the results of modeling and instructing them on the importance of obtaining the Board's input.

Mr. John Arthur Marshall, Arthur R. Marshall Foundation, expressed concern about beach erosion along Palm Beach. Mr. Marshall also asked for a contact person on advisory committees to allow his organization to coordinate with those groups.

Chairman Collins said the Board is still considering that issue.

## **BOARD COMMENT**

Mr. Gleason commented on the impact of high water levels on tree islands, and the District's management of those tree islands.

Mr. Fernandez commented on the re-development of Homestead Air Reserve Base. He said public comment meetings will be held February 1-3, 2000.

Chairman Collins noted that discussion of Everglades Restoration funding resulted in a request from the Governors Office that that District have an outside analysis of its budget. Chairman Collins suggested that Mr. Allen Vann and two outside representatives be named to conduct the analysis.

**Motion by Ms. Carter to instruct staff to do so. Motion approved.**

## **VI. BUSINESS CONSENT AGENDA – 1:00 P.M.**

### **Items Pulled**

Chairman Collins noted that items 37, 42, and 48 have been pulled.

**Motion by Ms. Carter to Approve Business Consent Agenda items, except for items pulled for discussion. Motion approved**

*The following items were approved as part of the Business Consent Agenda:*

## **BUSINESS CONSENT AGENDA ITEMS LISTING**

### **CORPORATE RESOURCES**

#### **General Services**

25. **Authorize donation** of surplus computer equipment.
26. **Authorize removing assets** from the property records that have been disposed of, or have remained unlocated, for a period of four (4) years.

#### **Infrastructure Management**

- C27. **Authorize entering into a contract** with Intelligent Decisions Inc. for a PC Backup Solution in the amount not-to-exceed \$318,191 for which funds are budgeted. (Contract Number C-10326) **COMPETITIVE**

### **EVERGLADES CONSTRUCTION PROJECT**



- C28. **Authorize entering into a 3 year contract** with Kimley Horn & Associates, Inc. for multidisciplined professional engineering services in an amount not to exceed \$200,000 of which \$75,000 is budgeted and the remainder is subject to Governing Board approval of future fiscal year budgets. (Contract Number C-E021) **COMPETITIVE**

### **GOVERNMENT AFFAIRS AND COMMUNICATIONS**

#### **Big Cypress Basin**

- C29. **Authorize an amendment** with the U.S. Department of Agriculture - Natural Resources Conservation Service (NRCS) for Data Collection for Southern Golden Gates Estates (SGGE) to retroactively extend the term by 1 year from October 29, 1999 to October 29, 2000 at no cost to the District (except in-kind services). (Contract Number C-8702-A03) **NON-COMPETITIVE**

#### **Florida Keys Service Center**

- C30. **Authorize an amendment** with Florida Keys Aqueduct Authority, for Big Pine Key water main installations, to retroactively extend the term for seven months from October 13, 1999 to May 13, 2000 at no cost to the District. (Contract Number C-10252-A01) **NON-COMPETITIVE**

#### **Fort Myers Service Center**

- C31. **Authorize an amendment** with Hendry County for the Four Corners Study to retroactively extend the term by 12 months from November 24, 1999 to November 24, 2000 at no cost to the District. (Contract Number C-8947-A02) **NON-COMPETITIVE**

#### **Office of Communications**

- C32. Authorize an amendment to the contract** with Florida Institute of Technology for Water Resource Education Curriculum at no cost to the District and retroactively extend the term from September 24, 1999 by six months to March 24, 2000. (Contract Number C-8112-A02) **NON-COMPETITIVE**

#### **Okeechobee Service Center**

- C33. **Authorize entering into a 3-year contract** with Science Applications International Corporation, for geospatial data development in an amount not-to-exceed \$83,827 of which \$29,785 is budgeted and the remainder is subject to Governing Board approval of the FY01 and FY02 budgets. (Contract Number C-11200) **COMPETITIVE**

#### **OFFICE OF COUNSEL**

34. **Authorize settlement of eminent domain trial costs** in the amount of \$230,000.00 incurred by the landowner in defense of the condemnation action regarding 1,282 acres within the boundary of STA-3/4 styled **Richard A. Griffin, Sr., and Griffin Brothers Company, Inc. v. South Florida Water Management District.**
35. **Approve finalization of settlement agreement** in the Hendry County eminent domain action within the designated boundaries of STA 6, Phase One, styled **SFWMD v. U.S. Sugar,** Case No. 97-112 CA.

#### **WATER RESOURCES MANAGEMENT**

##### **Environmental Resources Regulation**

36. **Authorize initiation of rule development** to amend Rule 40E-1.607, F.A.C. (Water Use Permit application processing fees) to correct scrivener's errors in the Individual Irrigation Water Use Permit application processing fees.
37. **Authorize acceptance of \$2,886.74** from Mr. Ramon Cruz to be directed to the District's Wetland Mitigation Fund to be used to acquire, enhance and manage 0.47 acre of wetland within the Pennsuco region of Miami-Dade County.
- C38. **Authorize an amendment** for repair of four culverts discharging from the Corbett Wildlife Management Area into the L-8 Canal, in an amount not-to-exceed \$76,750 which is unbudgeted, and will be reimbursed by the Florida Fish and Wildlife Conservation Commission (FWC) and the Department of Environmental Protection (FDEP). Funds will be transferred from District contingency reserves and will be reimbursed to the District from the FWC and the FDEP upon completion of the project. (Contract Number C-10003-A01) **NON-COMPETITIVE**

### **Real Estate, Engineering and Construction**

- 39. **Approve staff recommendations for releases** of District canal, mineral and road reservations, releases of T.I.I.T.F. canal reservations, and issuances of non-use commitments.
- 40. **Approve accepting a quit-claim deed** from The Nature Conservancy ("Grantor") for a 0.18 acre parcel of land situate in Polk County, Florida identified as a part of Section 15, Township 28 South, Range 29 East.
- C41. **Authorize a retroactive change order** with Benchmark Mechanical, Inc. for Hatchineha - Abandonment of Septic at no cost to the District and to extend the term by 113 days. (Contract Number C-10677-CO01) **NON-COMPETITIVE**
- C43. **Authorize** an amendment with Florida Department Of Environmental Protection (FDEP) for Surveying Services, to modify the existing agreement into a Work Order type agreement and to extend the term for 3 years in the amount of \$600,000 of which \$200,000 is budgeted and the remaining subject to Governing Board approval of FY01 through FY02 budgets. (Contract Number C-10458-A02A) **NON-COMPETITIVE**

### **Water Supply Department**

- 44. Authorize Submittal for FY 2002 Public Works Plan Federal Funds to DEP.
- C45. **Authorize entering into an amendment with the U.S. Department of Agriculture** - Natural Resources Conservation Service and the Florida Association of Conservation Districts (FACD), as a special procurement for mobile irrigation labs to retroactively extend the term from September 30, 1999 by 9 months to June 30, 2000, remove the FACD as a third party from the agreement and increase funding in the amount of \$250,000 for which funds are budgeted. (Contract Number C-9120-A02) **NON-COMPETITIVE**

### **Watershed Research & Planning**

- C46. **Authorize an amendment with the City of Ft. Pierce** for the Moores Creek Stormwater Retrofit Project to extend the term by 12 months at no additional cost to the District. (Contract Number C-6784-A02) **NON-COMPETITIVE**

- C47. **Authorize an amendment to the Cooperative Agreement** with the U.S. Geological Survey for Lake Okeechobee Watershed Best Management Practices (BMP) research to extend the term by 1 year at no additional cost to the District. (Contract Number C-10673-A01) **NON-COMPETITIVE**

**Field Operations – South, Miami Field Station/Pump Station**

- C49. **Authorize entering into a 3 year contracts** with Kemp Services, Inc. (C-11626) and Crawford Paving & Demolition (C-11627) for flat mowing services in the Miami-Dade Field Station service area in an amount not-to-exceed \$235,952 of which \$54,229 is budgeted and the remainder is subject to Governing Board approval of the FY01-FY03 budgets. (RFB No. C-11616, Contract Numbers C-11626 and C-11627) **COMPETITIVE**

**Vegetation Management**

- C50. **Authorize entering into a 5 year cooperative agreement** with the University of Florida - Center for Aquatic & Invasive Plants, for brazilian pepper biocontrol in the amount of \$375,000 of which \$75,000 is budgeted and the remaining is subject to Governing Board approval of the FY01-FY04 budgets. (Contract Number C-11612) **NON-COMPETITIVE**
- C51. **Authorize entering into a 5 year cooperative agreement** with the University of Florida - Center for Aquatic & Invasive Plants to research and establish monitoring stations to measure the impact of operational lygodium control programs in the amount of \$263,000 of which \$59,000 is budgeted and the remaining is subject to Governing Board approval of the FY01-FY04 budgets. (Contract Number C-11621) **NON-COMPETITIVE**
52. **Authorize transmittal of the petition** filed by Estee Investment Inc. regarding RFP No. C-11505 RFP No.C-11505 Okeechobee Service Center Office Space Lease to the Division of Administrative Hearings for a formal administrative proceeding conducted pursuant to Section 120.57(1), F.S.

**OFFICE OF COUNSEL (MOVED TO MORNING DISCUSSION AGENDA)**

53. ~~**Authorize entering into a settlement agreement with Harry Pepper & Associates (HPA) and Atlantic Environmental, Inc. (AEI) for the settlement of a construction claim submitted by HPA on behalf of AEI on Contract No. C-E107, Stormwater Treatment Area I West.**~~

This item was deleted.

**Discussion of items pulled from the Business Consent Agenda.**

- 37. Authorize acceptance of \$2,886.74 from Mr. Ramon Cruz to be directed to the District's Wetland Mitigation Fund to be used to acquire, enhance and manage 0.47 acre of wetland within the Pennsuco region of Miami-Dade County.**

Mr. Gleason questioned whether similar items for amounts lower than \$25,000 should be brought to the Board.

Ms. Terrie Bates, Director, Environmental Resource Regulation, discussed information on this item.

Ms. Bates said staff can evaluate this as part of an ongoing effort by Office of Counsel to review delegation authority issues.

Ms. Williams said she wants to see these amounts up front. Chairman Collins agreed.

**Motion by Mr. Gleason to authorize acceptance of \$2,886.74 from Mr. Ramon Cruz to be directed to the District's Wetland Mitigation Fund to be used to acquire, enhance and manage 0.47 acre of wetland within the Pennsuco region of Miami-Dade County. Motion approved.**

- C42. Authorize entering into a 200 day contract with Worth Contracting Inc. for S-193 Lock Refurbishment in the amount of \$484,800.**

Ms. Williams asked for information on the procedure for items of this type where the low bidder requests to withdraw.

Mr. Glenn Miller, Office of Counsel, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Carter to authorize entering into a 200 day contract with Worth Contracting Inc. for S-193 Lock Refurbishment in the amount of \$484,800 for which funds are budgeted. (Contract Number C-10419) COMPETITIVE. Motion approved.**

- C48. Authorize entering into an 8-month contract with KEMA Consulting doing business as KMA-ECC, Inc., for development of a comprehensive plan and specifications to implement a District-wide water management operations system in the amount of \$96,892.**

Mr. Gleason said this proposal is a revamping of the way the District operates structures and coordinates data. He said this is a very significant advancement in technology.

**Motion by Ms. Carter to authorize entering into an 8-month contract with KEMA Consulting doing business as KMA-ECC, Inc., for development of a comprehensive plan and specifications to implement a District-wide water management operations system in the amount of \$96,892 for which funds are budgeted. (Contract Number C-11736) COMPETITIVE. Motion approved.**

## **VII. REGULATORY CONSENT AGENDA – 2:00 PM**

### **GOVERNING BOARD REGULATORY CONSENT AGENDA APPROVAL**

#### **Items pulled for Discussion**

Chairman Collins pulled item 22, a Water Use Permit modification application for the Brooks of Bonita Springs (page 9, paragraph 3), and an Environmental Resource Permit modification application for Silver Lakes Enterprises (page 19, paragraph 6).

#### **Abstentions**

Abstentions were noted earlier in the meeting.

#### **Additions, Deletions, Substitutions**

Chairman Collins noted the following changes handed out as additional backup to Item 22 of the Regulatory Consent Agenda:

#### **PERMIT APPLICATIONS**

##### **Water Use**

Timberwood (page 9, paragraph 4): Postponed to February 10 Board

Timberwood (page 10, paragraph 5): Postponed to February 10 Board

Martin County Consolidated System (page 11, paragraph 3):  
Postponed to February 10 Board

### **Surface Water Management**

Willoughby Boulevard Connector Road (Page 12, paragraph 5):  
Postponed to February 10 Board

Sawgrass Lakes Phase 2 thru 5 (Page 21, paragraph 2): Acres  
wetlands impacted: 11.96, mitigation/compensation: 12.15  
acres and partial mitigation previously permitted

### **Environmental Resource**

Osceola Trace/World Expo Park – Parcel 9 Development (page 17,  
paragraph 2): Postponed to February 10 Board

SR-7/US 441 Boynton Beach Boulevard to Lake Worth Road: (page  
20, paragraph 7): Postponed to February 10 Board

### **Consent Agreement**

Groves of Naples, Inc. (page 23, paragraph 6): Postponed to  
February 10 Board

**Approve Regulatory Consent Agenda items, except for items pulled for  
discussion**

**Motion by Ms. Williams to approve the regulatory consent agenda as  
revised, except for items pulled for discussion. Motion approved.**

*The following items were approved as part of the Regulatory Consent Agenda:*

21. Consideration of Consent Agenda for Governing Board approval which  
includes **Water Resources Operations** items:

Right of Way Occupancy Permit Applications  
Right of Way Occupancy Permit Request for Waiver of District  
Criteria

22. Consideration of Consent Agenda for Governing Board approval which  
includes **Regulatory** items:

Water Use Permit Applications  
Surface Water Management Permit Applications (includes  
Conservation Easements)  
Environmental Resource Permit Applications (includes  
Conservation Easements)

Everglades Works of the District Permit Applications  
Administrative Information Update to Everglades Works of the  
District Permits  
Consent Agreements  
Emergency Authorizations

**Discussion of Items Pulled**

**22. Environmental Resource Permit modification application for Silver Lakes Enterprises (page 19, paragraph 6).**

Ms. Terrie Bates, Director, Regulation, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Ms. Rosa Durando, Audubon Society of the Everglades, said this land has lain fallow for years. She said the soil analysis indicates submerged muck. She said the proposed use of this land for growing trees is not reasonable. She said there will be a problem with drainage of this area.

Ms. Erin Deady, National Audubon Society, expressed concern about discharges from this site.

Ms. Dana Gillette, representing the developer, said the developer has designed adequate water retention facilities for this project.

Mr. Long Chu, the project owner, said the project will be good for the environment. He said the land is suitable for the proposed use.

Mr. Mark Musaus, Loxahatchee NWR, said the refuge will be the receiving water from this project. He said permits should be delayed until the District can provide assurance that the numeric standard for water flowing into the refuge meets pollution standards.

Mr. Gleason expressed concern about this project. He said discharging into the Loxahatchee will not help the District meet pollution standards. He suggested the need for an interlocal agreement with the Village of Wellington which outlines a solution to these concerns and a commitment to do a detailed design of this project and a timetable for funding.

Ms. Carter expressed concern about discharges from this project into the Loxahatchee National Wildlife Refuge.



**Motion by Mr. Gleason to deny this and future project until an interlocal agreement is reached with the Village of Wellington for a detailed design and a funding deadline to lessen impacts on the Loxahatchee National Wildlife Refuge.**

Mr. John Fumero, General Counsel, said the Board has a recommendation by staff for approval of this item. He said if approval is denied, a reason must be stated for the record.

Chairman Collins said the Village of Wellington is proceeding with a plan to answer these concerns.

Mr. Finch said staff can send a letter to Village of Wellington officials noting the Board's concerns.

**Motion to deny fails for lack of a majority. Aye - Ms. Carter, Mr. Gleason. Nay - Chairman Collins, Mr. Fernandez, Mr. Thornton, Mr. Minton, Ms. Williams, Mr. Gutierrez.**

**Motion by Minton to approve an Environmental Resource modification Permit application for Silver Lakes Enterprises (page 19, paragraph 6). Motion approved. Nay - Mr. Gleason, Ms. Carter.**

**22. Water Use Permit modification application for the Brooks of Bonita Springs (page 9, paragraph 3)**

Mr. Scott Burns presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

He said the permit will allow dewatering of 156 acres of lakes. He said the water will be held on site, and staff recommends approval.

**Motion by Mr. Gutierrez to approve a Water Use Permit modification application for the Brooks of Bonita Springs (page 9, paragraph 3). Motion approved.**

**VIII. AFTERNOON DISCUSSION AGENDA**

**WATER RESOURCES MANAGEMENT**

**Environmental Resource Regulation**

**Environmental Resource Permit Rules Revisions**

**24. Briefing on WMD/DEP discussions regarding potential streamlining revisions to the Environmental Resource Permit rules.**

Ms. Terrie Bates, Director, Environmental Resource Regulation Department, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Ms. Bates said staff is seeking Board feedback on raising the threshold.

Ms. Rosa Durando, Audubon Society of the Everglades, asked if this will apply to mangrove wetlands. Ms. Bates said the threshold would apply to mangrove wetlands.

Chairman Collins said the District has a directive to reduce permitting time. He said the Board agrees to proceed, but may wish to address special areas of concern.

**BOARD COMMENT - GOVERNOR'S REQUEST FOR OUTSIDE BUDGET ANALYSIS.**

Mr. Finch announced the creation of a panel to review and analyze the District's FY2000 budget and identify efficiency opportunities.

Mr. Fumero asked for a Board motion for reconsideration of previous action on this issue.

**Motion by Ms. Carter to reconsider the Board's previous action on this issue, and to specify that the budget review panel report back to the Executive Director and Inspector General, and present all analyses and recommendations back to the Board in open meeting. Motion approved.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

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MICHAEL COLLINS, CHAIRMAN

(Corporate Seal)

Attest:

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FRANK FINCH, SECRETARY

/aab